

REMARKS

Information Disclosure Statement

In the Action of June 28, 2005, the Office indicates that the "prior art references filed September 30, 2003" fail to comply with the requirements of 37 C.F.R. § 1.98(a)(1) and have not been considered.

The prior art references filed September 30, 2003, were filed together with an Information Disclosure Statement and form PTO-1449. The requirements of 37 C.F.R. § 1.98(a)(1) (referred to in the Action) are satisfied by the filing of the form PTO-1449. Applicants note, however, that neither the Information Disclosure Statement nor the form PTO-1449 filed September 30, 2003, is included in the image file wrapper of the application, as available through the PAIR system of the Office.

Attached hereto is a copy of each of the Information Disclosure Statement and form PTO-1449 filed on September 30, 2003, and a copy of a return receipt postcard that was filed with the application and that shows receipt of these documents in the USPTO mailroom on September 30, 2003.

Applicants respectfully submit that consideration of the documents filed with the Information Disclosure Statement on

September 30, 2003, is in order and request that the documents be considered and made of record in the present application.

Double Patenting

Claims 1-16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4 and 9-11 of copending application Serial No. 10/329,571.

Claims 1-16 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 4, 6, 7, 12, 19, 21-28, 35, 40, 64, 66, 68, 69, 71, 73, and 74 of copending application Serial No. 10/363,039.

A Terminal Disclaimer under 37 C.F.R. §1.321(c) directed to application Serial Nos. 10/329,571 and 10/363,039 is submitted herewith to overcome the double patenting rejections. Removal of the double patenting rejections is believed to be in order and is respectfully requested.

Claim Rejections - 35 USC § 102

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kusumoto et al., U.S. Pat. Application Pub. 2003/0148185 A1 (hereinafter: "Kusumoto"). Kusumoto is the publication of application Serial No. 10/329,571 used by the Office

to provisionally reject the claims of the present application for obviousness-type double patenting.

The U.S. filing date of Kusumoto, December 27, 2002, is later than the priority date, September 30, 2002, claimed in the present application. Submitted herewith to perfect applicants' claim to priority under 35 U.S.C. § 119 is an English language translation of the priority application of the present application, JP 2002-285742, and a statement that the translation is accurate. Submission of the English translation of the priority application and statement removes Kusumoto as a reference against the present application. Thus, removal of the 35 U.S.C. § 102(e) rejection is in order and is respectfully requested.

The foregoing is believed to be a complete and proper response to the Office Action dated June 28, 2005, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

PATENT APPLN. NO. 10/673,348
RESPONSE UNDER 37 C.F.R. §1.111

**PATENT
NON-FINAL**

In the event any additional fees are required, please also
charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



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Attachments: Terminal Disclaimer
English Translation of Priority Document JP 2002-
285742 with Translator's Statement
Copy of IDS, Form PTO-1449 and Return Receipt
Postcard